



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 31, 1993

Ms. Marci Meadows, Buyer
Materials Management Department
Capital Metro
2910 East Fifth Street
Austin, Texas 78702

OR93-056

Dear Ms. Meadows:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Texas Government Code (former article 6252-17a, V.T.C.S.¹). Your request was assigned ID# 18216.

The Capital Metropolitan Transportation Authority ("Capital Metro") received an open records request for certain information submitted to Capital Metro in response to an RFP for "In-Plant Production Line Inspection and Quality Assurance Services." You state in your letter to us that you are seeking an open records decision from this office pursuant to sections 7(a) and 7(b) of the Open Records Act (now found at section 552.301(a) and (b) of the Government Code). However, because you only conveyed the contentions of the submitters of the proposals in regard to the non-disclosure of the information at issue, we interpreted your request as one made pursuant to section 7(c) of the act (now section 552.305). Consequently, this office notified representatives of Fleet Maintenance Consultants, Inc. and Transit Resource Center, Inc. that we received your request for an open records decision regarding their respective proposals. In our letter to those companies, this office requested an explanation as to why portions of their proposals were excepted from public disclosure, with the caveat that their failure to submit such arguments within a reasonable time would result in this office instructing you to disclose the information.


Neither company has provided this office with any explanation as to why the requested documents should not be released. Consequently, we have no basis for

¹The Seventy-Third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46. The Open Records Act is now codified in the Government Code at chapter 552. Id. § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. Id. § 47.

applying any exceptions to required public disclosure to this information.² See Open Records Decision No. 552 (1990). Therefore, because neither you nor the companies have adequately contended to this office that the requested information should be withheld, you should release the information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,


Rebecca L. Payne
Section Chief
Open Government Section

RLP/rho

Ref.: ID# 18216
ID# 18317

Enclosures: Submitted documents

cc: Ms. Ann S. Hawkey
Corporate Headquarters, MSAAP
Building 9110
Stennis Space Center, Mississippi 39529-7099
(w/o enclosures)

Mr. Mark J. Probst
President
Fleet Maintenance Consultants, Inc.
P.O. Box 82008
Houston, Texas 77282-0008
(w/o enclosures)

Mr. Edward W. Pigman
President
Transit Resource Center, Inc.
7040 Lake Ellenor Drive, Suite 121
Orlando, Florida 32809-5787
(w/o enclosures)

²Although both companies expressed in correspondence to Capital Metro a desire to have portions of their proposals kept secret, neither company adequately demonstrated that the information is excepted from required public disclosure under the Open Records Act.